

**To:** Sivak, Michael[Sivak.Michael@epa.gov]  
**From:** Tom Schadt  
**Sent:** Tue 4/4/2017 3:03:17 PM  
**Subject:** RE: Newtown Creek: BERA Dispute - Further Extension to April 11, 2017

Hey Chief (nice new title by the way) – Any word on rationale for the delay, not complaining – just curious is all. Thanks, Tom

**Tom Schadt**

**ANCHOR QEA, LLC**

[tschadt@anchorqea.com](mailto:tschadt@anchorqea.com)

720 Olive Way, Suite 1900  
Seattle, WA 98101  
T 206.287.9130  
D 206.903.3306  
F 206.287.9131  
C 206.300.1740

**ANCHOR QEA, LLC**

[www.anchorqea.com](http://www.anchorqea.com)

Please consider the environment before printing this email.

This electronic message transmission contains information that may be confidential and/or privileged work product prepared in anticipation of litigation. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, please be aware that any disclosure, copying distribution or use of the contents of this information is prohibited. If you have received this electronic transmission in error, please notify us by telephone at (206) 287-9130.

**From:** Sivak, Michael [mailto:Sivak.Michael@epa.gov]  
**Sent:** Tuesday, April 4, 2017 7:27 AM  
**To:** Tom Schadt <tschadt@anchorqea.com>; David Bridgers <David.bridgers@wallerlaw.com>  
**Cc:** Amron, Susan <samron@law.nyc.gov>; Weissbard, Ron <RWeissbard@dep.nyc.gov>; Mehran, Reyhan (NOAA) <Reyhan.Mehran@noaa.gov>; Ian Beilby <ian.beilby@dec.ny.gov>; Kwan, Caroline <kwan.caroline@epa.gov>; Schmidt, Mark <schmidt.mark@epa.gov>; Vaughn, Stephanie <Vaughn.Stephanie@epa.gov>; Mintzer, Michael <Mintzer.Michael@epa.gov>;

Nace, Charles <Nace.Charles@epa.gov>; Leonard, Edward L. <leonardel@cdmsmith.com>;  
Cooke, Daniel W. <cookedw@cdmsmith.com>; Mayo, Joseph <MayoJJ@cdmsmith.com>  
**Subject:** Newtown Creek: BERA Dispute - Further Extension to April 11, 2017

EPA is writing in connection with the dispute by the Newtown Creek Group of respondents (NCG Respondents), disputing the requirements of EPA's e-mail of December 8, 2016 which directed that Anchor, on behalf of the respondents, provide to EPA by January 23, 2017, a modified Draft Baseline Ecological Risk Assessment ("BERA") responsive in full to EPA comments transmitted by the December 8 email. This dispute was invoked by letter dated December 22, 2016 (sent to EPA by email on December 22) on behalf of the NCG respondents, pursuant to the "Administrative Settlement Agreement and Order on Consent for Remedial Investigation/Feasibility Study" (AOC) at the Newtown Creek Superfund site.

By previous emails, EPA extended the Negotiation Period for the dispute until close of business on April 4, 2017.

By this email, EPA is extending the Negotiation Period for the BERA dispute until close of business on April 11, 2017.

Michael Sivak

Chief, Passaic, Hackensack and Newark Bay Remediation Branch  
EPA Region 2 Superfund Program

[sivak.michael@epa.gov](mailto:sivak.michael@epa.gov)  
tel: 212.637.4310